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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 10/807,159 | 03/24/2004 | Susanne Marie Crockett | P24714 (SBC MS1019) | 6473 |

7055 7590 07/18/2006

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

GAUTHIER, GERALD

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2614

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/807,159 | CROCKETT ET AL. | |
| | Examiner | Art Unit | |
| | Gerald Gauthier | 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claim(s) 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 2004/0111269 A1) in view of Pines et al. (US 2003/0007625).

Regarding **claim(s) 1 and 15**, Koch discloses a method for executing an advanced intelligent network service provided in a public switched telephone network (FIG. 1 and paragraph 1), the method comprising:

forwarding a message from a service control point (SCP 310 on FIG. 3) to a voice extensible markup language platform (VXML gateway 312 on FIG. 3), the message comprising an announcement (FIG. 3 and paragraphs 0042 and 0043); and

Koch discloses an SCP sending the announcement to the platform but fails to disclose an announcement ID to the platform.

However, Pines teaches analyzing the announcement identification, at the VXML platform, to determine a remote location where an announcement corresponding to the announcement identification is stored (paragraphs 0134-0138);

playing the announcement, wherein the announcement stored at the remote location can be created or changed by a subscriber without affecting the announcement identification (paragraphs 0211).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Koch using the teaching of closing prompt service as taught by Pines.

This modification of the invention enables the system to send an announcement ID to the platform so that the user would have the advantage of listening of an advertisement.

Regarding **claim(s) 2, 9 and 16**, Koch discloses a method, in which the VXML platform comprises an intelligent peripheral component and a VIMS component (FIG. 1 and paragraph 0036).

Regarding **claim(s) 3, 10 and 17**, Koch discloses a method, further comprising receiving the announcement identification at the IP component (FIG. 1 and paragraph 0035);

encoding the announcement identification so that the IP component recognizes that the VIMS component will process the announcement identification (FIG. 1 and paragraph 0035); and

forwarding the announcement identification to the VIMS component (FIG. 1 and paragraph 0035).

Regarding **claim(s) 4 and 11**, Koch discloses a method, further comprising, at the VIMS component, correlating the announcement identification to the announcement location (FIG. 1 and paragraph 0035).

Regarding **claim(s) 5, 12 and 18**, Koch discloses a method, in which the correlating is based upon a server location identification provided in a subscriber profile (FIG. 1 and paragraph 0042).

Regarding **claim(s) 6 and 13**, Koch discloses a method, in which the remote location comprises a web server (FIG. 1 and paragraph 0040).

Regarding **claim(s) 7 and 14**, Koch discloses a method in which the web server is identified by a uniform resources locator (FIG. 1 and paragraph 0038).

Regarding **claim(s) 8**, Koch in combination with Pines disclose all the limitations of **claim(s) 8** as stated in **claim(s) 1**'s rejection above and furthermore Koch discloses a service control point (310 on FIG. 3) and a voice extensible markup language (312 on FIG. 3).

Regarding **claim(s) 19**, Koch discloses a voice extensible markup language platform, in which the VXML platform communicates with the service control point using intelligent network application part signaling (FIG. 1 and paragraph 0035).

Regarding **claim(s) 20**, Koch discloses a voice extensible markup language platform, in which the VXML platform communicates with a web server storing the announcement in order to play the announcement (FIG. 1 and paragraph 0038).

Response to Arguments

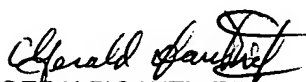
5. Applicant's arguments with respect to **claim(s) 1-20** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539 . The examiner can normally be reached on 8:00 AM to 4:30 PM .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547 . The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system . Status information for published applications may be obtained from either Private PAIR or Public PAIR . Status information for unpublished applications is available through Private PAIR only . For more information about the PAIR system, see <http://pair-direct.uspto.gov> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) .


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2614

GG
July 14, 2006